

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOYCE HAMLETT and LETRICIA HAMLETT, :
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Plaintiffs, : ORDER
:
- against - : 11-CV-6106(JFB)(GRB)
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SANTANDER CONSUMER USA INC., et al., :
:
Defendants. :
:
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JOSEPH F. BIANCO, District Judge:

Pro se plaintiffs Joyce Hamlett and Letricia Hamlett (“plaintiffs”) filed a complaint against Santander Consumer USA, Inc. (“Santander”), HSBC Auto Finance, and HSBC Auto Credit, Inc. (collectively, “defendants”) on December 15, 2011. On March 12, 2012, plaintiffs filed an amended complaint.

On April 30, 2012, defendants filed a motion to dismiss the amended complaint. Plaintiffs filed an affidavit in opposition to defendants’ motion to dismiss on May 30, 2012, and defendants filed a reply in further support of their motion on June 13, 2012. By Order dated October 26, 2012, the Court referred the motion to dismiss to Magistrate Judge Brown for a Report and Recommendation.

On February 18, 2013, Magistrate Judge Brown issued a Report and Recommendation (the “R&R”), recommending that defendants’ motion to dismiss be granted with respect to plaintiffs’ claims for invasion of privacy by intrusion upon seclusion, and denied with respect to plaintiffs’ FDCPA, TCPA, and reckless or intentional infliction of emotional distress claims. The R&R further instructed that any objections to the R&R be submitted within fourteen (14) days of service of the

R&R. (See Report and Recommendation dated Feb. 18, 2013, at 9-10.) As indicated by the docket sheet, a copy of the R&R was mailed to plaintiff by Magistrate Judge Brown's Chambers on February 18, 2013. (See ECF No. 24.) By later dated February 25, 2013, counsel for defendants requested an extension of time to file objections to the R&R. By Order dated February 26, 2013, the Court granted counsel for defendants' request, allowing defendants to object no later than March 15, 2013. On March 14, 2013, counsel for defendants filed a letter with the Court, indicating that though the defendants disagree with the R&R, they would not be filing a formal objection to the R&R. No formal objections have been filed to date, although the date for filing any objections has expired.

A district judge may accept, reject, or modify, in whole or in part, the findings and recommendations of the Magistrate Judge. *See DeLuca v. Lord*, 858 F. Supp. 1330, 1345 (S.D.N.Y. 1994); *Walker v. Hood*, 679 F. Supp. 372, 374 (S.D.N.Y. 1988). As to those portions of a report to which no "specific written objections" are made, the Court may accept the findings contained therein, as long as the factual and legal bases supporting the findings are not clearly erroneous. *See Fed. R. Civ. P. 72(b); Thomas v. Arn*, 474 U.S. 140, 149 (1985); *Greene v. WCI Holdings Corp.*, 956 F. Supp. 509, 513 (S.D.N.Y. 1997).

Having conducted a review of the full record and the applicable law, and having reviewed the R&R for clear error, the Court adopts the findings and recommendations contained in the well-reasoned and thorough R&R in their entirety. Even under a *de novo* standard, the Court adopts the R&R in its entirety. Accordingly, IT IS HEREBY ORDERED that defendants' motion to dismiss the amended complaint is granted with respect to plaintiffs' claims for invasion of privacy by intrusion upon seclusion, and denied with respect to plaintiffs' FDCPA, TCPA, and reckless or intentional infliction of emotional distress claims.

SO ORDERED.

JOSEPH F. BIANCO
UNITED STATES DISTRICT JUDGE

Dated: March 19, 2013
Central Islip, New York